

REMARKS

The Office has required restriction as follows:

- I. Claims 1-6, 10-22, 27 and 42-45, drawn to polynucleotides encoding OtsA transcriptional regulator protein and related products and methods;
- II. Claims 7-8 and 25-26, drawn to methods of making a polynucleotide encoding OtsA;
- III. Claim 9 and 23-24, drawn to methods of screening for a polynucleotide encoding OtsA;
- IV. Claims 28-31, drawn to Coryneform bacteria with an attenuated OtsA gene;
- V. Claims 32-39, drawn to methods of making amino acids using bacterial host cells with an attenuated OtsA gene; and
- VI. Claims 40-41, drawn to the OtsA polypeptide.

Applicants elect, with traverse, Group I, Claims 1-6, 10-22, 27 and 42-45, drawn to polynucleotides encoding OtsA transcriptional regulator protein and related products and methods.

Restriction is only proper if the claims of the restricted groups are either independent or patentably distinct. The burden of proof is on the Office to provide reasons and/or examples to support any conclusion with regard to patentable distinctness. MPEP §803.

Applicants respectfully traverse the Restriction Requirement on the grounds that adequate reasons and/or examples have not been provided to support a conclusion of patentable distinctness between the identified groups or shown that a burden exists in searching all the claims.

Further, Applicants respectfully traverse the Restriction Requirement on the grounds that the Office has not shown that a burden exist in searching all of the claims.

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Reply to Office Action of October 3, 2003

Accordingly, and for the reasons presented above, Applicants submit that the Office has failed to meet the burden necessary in order to sustain the Restriction Requirement. Withdrawal of the Restriction Requirement is respectfully requested.

Applicants request that upon finding that the elected claims are allowable, the corresponding non-elected process claims should be rejoined (MPEP §821.04).

Applicants respectfully submit that the above-identified application is now in condition for examination on the merits, and early notice of such action is earnestly solicited.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Jean-Paul Lavallee
Attorney of Record
Registration No. 31,451

Daniel J. Pereira, Ph.D.
Registration No. 45,518

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 08/03)